

# EXHIBIT A



**Via Electronic Delivery**

July 23, 2019

BSEE FOIA Officer  
Bureau of Safety and Environmental Enforcement  
Mail Stop: VAE-BSEE FOIA  
45600 Woodland Road  
Sterling, VA 20166  
BSEEOFIA@bsee.gov

**Re: Freedom of Information Act Records Request**

To whom it may concern,

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. §§ 552 et seq., and the U.S. Department of Interior ("DOI") FOIA regulations beginning at 43 C.F.R. Part 2, Democracy Forward Foundation ("Democracy Forward") makes this request for records from the Bureau of Safety and Environmental Enforcement ("BSEE").

**I. Records Requested**

Please produce the following records:

1. All documents or correspondence to or from any BSEE employee or officer including advice, guidance, direction, or opinions regarding DOI or BSEE application of the procedures described at 30 C.F.R. §§ 250.141, 240.142, 250.701, 250.702 to the requirements set forth in 30 CFR Chapter II, Subchapter B, Part 250, Subpart G.

We request that agency not limit its searches for responsive records to documents including citations to the above authority. Instead, the agency's search should identify responsive documents with those citations *and* those that apply the procedures and substance of the relevant authority without citing to the Code of Federal Regulations.

The date range for this request is April 1, 2016 until the Department completes its search for responsive documents.

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## **II. Format of Production**

Please search for records regardless of format, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical materials. This request includes, without limitation, all correspondence, letters, emails, text messages, calendar entries, facsimiles, telephone messages, voice mail messages, and transcripts, notes, minutes, or audio or video recordings of any meetings, telephone conversations, or discussions. In searching for responsive recordings, however, please exclude publicly available materials such as new clips that mention otherwise responsive search terms.

FOIA requires agencies to disclose information, with only limited exceptions for information that would harm an interest protected by specific exception or where disclosure is prohibited by law. 5 U.S.C. § 552(a)(8)(A). In the event that any of the requested documents cannot be disclosed in their entirety, we request that you release any material that can reasonably be segregated. *See* 5 U.S.C. § 552(a)(8)(A)(ii)(II), (b). Should any documents or portions of documents be withheld, we further request that you state with specificity the description of the document to be withheld and the legal and factual grounds for withholding any documents or portions thereof in an index, as required by *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). Should any document include both disclosable and non-disclosable material that cannot reasonably be segregated, we request that you describe what portions of the information in a document are non-disclosable and how that information is dispersed throughout the document. *Mead Data Cent., Inc. v. U.S. Dep't of Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

If requested records are located in, or originated in, another agency, department, office, installation or bureau, please refer this request or any relevant portion of this request to the appropriate entity.

To the extent that the records are readily reproducible in an electronic format, we would prefer to receive the records in that format. However, if certain records are not available in that format, we are willing to accept the best available copy of each such record.

## **III. Request for Fee Waiver**

Democracy Forward requests a waiver of document search, review, and duplication fees because the disclosure of the requested records is in the public interest and because disclosure is “likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii); *see also* 43 C.F.R. § 2.48(a)(2). Democracy Forward further requests a waiver of search fees on the ground it qualifies as a “representative of the news media” and the “the public’s understanding of the subject in question will be enhanced to a significant extent by the disclosure.” 5 U.S.C. § 552(a)(4)(A)(ii)(II); *see also* 43 C.F.R. § 2.48(a)(4).

The disclosure of requested records is “likely to contribute significantly to public understanding of the operations or activities of the government” because, as discussed above, there is great public interest in the information sought through this request. 5 U.S.C. § 552(a)(4)(A)(iii). Given the ongoing and widespread media attention, the records sought will contribute

significantly to public understanding of the issue, of which is of profound public importance. Further, Democracy Forward is a nonprofit organization organized under Internal Revenue Code § 501(c)(3) and dedicated to, among other things, promoting policy engagement and civic education. As a nonprofit organization, it does not have a commercial interest in the records. Moreover, the records obtained from this request will be made available to the public in some fashion on a *pro bono* basis.

Democracy Forward also requests a waiver of search fees as a “representative of the news media” and the records are not sought for commercial use. 5 U.S.C. § 552(a)(4)(A)(ii)(II). Democracy Forward meets the definition of “representative of the news media” because it gathers information, exercises editorial discretion in selecting and organizing documents, and “distributes the resulting work to the public.” *Nat’l Sec. Archives v. U.S. Dep’t of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989). Democracy Forward is, therefore, a “representative of the news media” as it is “primarily engaged in disseminating information.” 5 U.S.C. §§ 552(a)(4)(A)(ii)(II), 552(a)(6)(E)(v)(II).

The undersigned certifies that this explanation is true and correct to the best of his knowledge.

If the request for a waiver is denied, Democracy Forward is willing to pay all reasonable fees incurred for searching and duplicating records in responding to this request, up to \$100. If the costs of responding to this request should exceed that amount, please contact us before incurring costs exceeding that amount.

#### **IV. Conclusion**

If you need clarification as to the scope of the request, have any questions, or foresee any obstacles to releasing fully the requested records as soon as practicable (and, in any event, within the 20-day period), please contact Travis Annatoyn at [tannatoyn@democracyforward.org](mailto:tannatoyn@democracyforward.org).

We appreciate your assistance and look forward to your prompt response.

Sincerely,

/s/ Travis Annatoyn

Travis Annatoyn

Senior Counsel

Democracy Forward Foundation